IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

WP(C).No. 13026 of 2007(A)

PETITIONER:

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1. K.V.NARAYANAN, K.K.HOUSE,
   P.O.VENGARA, KANNUR-670 305.

2. C.P.HASHIM, S/O ABDUL KAREEM,
   VELLACHAL,P.O.VENGARA, KANNUR-670 305.

3. V.SHEEJA, D/O PADMANABHAN,
   P.O.VENGARA, KANNUR-670 305.

4. A.KUNHAMBU, S/O V.V.RAMAN,
   P.O.VENGARA, KANNUR-670 305.

5. P.JANAKI, D/O KUNHAPPA,
   P.O.VENGARA, KANNUR-670 305.

6. B.P.SUGUNAN, S/O B.P.KUNHIRAMAN,
   P.O.VENGARA, KANNUR-670 305.

7. B.P.JAYARAJAN, S/O B.P.KUNHIRAMAN,
   P.O.VENGARA, KANNUR-670 305.

8. A.PADMANABHAN, S/O V.V.RAMAN,
   P.O.VENGARA, KANNUR-670 305.

9. P.RAJESH, S/O P.P.KUNHIRAMAN,
   P.O.VENGARA, KANNUR-670 305.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   SECRETARY TO GOVERNMENT, PUBLIC WORKS DEPARTMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER FOR LAND REVENUE,
   DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR, KANNUR.

4. THE CHIEF ENGINEER,
   PUBLIC WORKS DEPARTMENT(ROADS & BRIDGES),
   THIRUVANANTHAPURAM.

5. THE SUPERINTENDING ENGINEER,
   PUBLIC WORKS DEPARTMENT(ROADS & BRIDGES),
   KANNUR.

6. THE EXECUTIVE ENGINEER,
   PUBLIC WORKS DEPARTMENT(ROADS & BRIDGES),
   KANNUR.

7. THE SPECIAL TAHSILDAR,(LAND ACQUISITION)
   EZHIMALA NAVAL ACADEMY, PAYYANNUR, KANNUR.

8. THE FLAG OFFICER COMMANDING-IN CHIEF,
   SOUTHERN NAVAL COMMAND, KOCHI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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W.P(C) NO. 13026 OF 2007

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Dated this the 13th day of April, 2007

J U D G M E N T

Petitioners, whose lands are proposed to be acquired for construction of a Railway over-bridge to connect Madayi T.B. -Muttam-Palakkode - Ettikulam H.S. Road (1st reach) in Kannur District, have filed this Writ Petition challenging the Notification issued under Sections 4(1) and 17(4) of the Land Acquisition Act. According to the petitioners there were two proposals to construct the over-bridge to straight and shorten the line. But subsequently, both proposals were dropped and the present proposal was made. Petitioners have filed a petition before the Flag Officer Commanding-in-Chief, Southern Naval Command, Kochi. The Flag Officer has informed the petitioners that it is a matter to be considered by the P.W.D authorities. Thereafter petitioners have filed Exhibit P6 representation before respondents 1 to 6 against the proposed deviation.

2. I do not propose to pass any orders in this matter. If

the petitioners have filed representation before respondents 1 to 6, it is for them to take appropriate action in the matter. However, there will be a direction to the first respondent to consider Exhibit P6 representation submitted by the petitioners and pass orders therein in accordance with law, as expeditiously as possible, at any rate, within three weeks from the date of receipt of the copy of this judgment.

Writ Petition is disposed of with the above direction.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.F.A. NO. OF

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J U D G M E N T

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9TH APRIL, 2007